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5 **UNITED STATES DISTRICT COURT**  
6 **FOR THE**  
7 **DISTRICT OF NEW JERSEY**

7 **MICHAEL SCHWARTZ,** )  
8 Plaintiff, ) **Case No.:**  
9 v. )  
10 **SUNRISE CREDIT SERVICES, INC.,** ) **COMPLAINT AND DEMAND**  
11 Defendant. ) **FOR JURY TRIAL**

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12  
13 **COMPLAINT**

14 MICHAEL SCHWARTZ (“Plaintiff”), by his attorneys, KIMMEL & SILVERMAN,  
15 P.C., alleges the following against SUNRISE CREDIT SERVICES, INC. (“Defendant”):

16  
17 **INTRODUCTION**

18 1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §  
19 1692 *et seq.* (“FDCPA”).

20  
21 **JURISDICTION AND VENUE**

22 2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that  
23 such actions may be brought and heard before “any appropriate United States district court  
24 without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original  
25 jurisdiction of all civil actions arising under the laws of the United States.



1 three (3) times per day.

2 15. Plaintiff spoke with Defendant's collectors on several occasions and told them to  
3 stop calling his cellular telephone.

4 16. Defendant acknowledged Plaintiff's request.

5 17. However, Defendant continued to call Plaintiff.

6 18. Once Defendant was aware that its calls were unwanted any further calls could only  
7 have been for the purpose of harassment.

8 19. Further, Defendant's telephone calls were placed at times known to be inconvenient,  
9 including before 8:00 A.M. and after 9:00 P.M.

10 20. After Defendant continued to call Plaintiff repeatedly on his cellular telephone,  
11 Plaintiff was forced to block calls from Defendant's phone numbers.

12 21. Defendant's actions as described herein were made with the intent to harass, upset  
13 and coerce payment from Plaintiff.

14  
15 **COUNT I**  
16 **DEFENDANT VIOLATED §1692d OF THE FDCPA**

17 22. A debt collector violates §1692(d) of the FDCPA by engaging in conduct the  
18 natural consequence is to harass, oppress, or abuse any person in connection with the collection  
19 of a debt.

20 27. Defendant violated §1692(d) when it placed repeated and harassing telephone  
21 calls to Plaintiff and continued to call Plaintiff after Plaintiff requested calls stop.

22  
23 **COUNT II**  
24 **DEFENDANT VIOLATED §1692d(5) OF THE FDCPA**

1           28.     A debt collector violates §1692 (d)(5) of the FDCPA by causing a telephone to  
2 ring or engaging any person in telephone conversation repeatedly or continuously with the intent  
3 to annoy, abuse or harass any person at the called number.

4           29.     Defendant violated §1692 (d)(5) of the FDCPA when it placed repeated harassing  
5 telephone calls to Plaintiff on her cellular telephone with the intent to annoy, abuse or harass  
6 Plaintiff.

7  
8                               **COUNT III**  
9                               **DEFENDANT VIOLATED §1692c(a)(1) OF THE FDCPA**

10           30.     Defendant violated §1692c(a)(1) of the FDCPA when it contacted Plaintiff on  
11 his cellular telephone time known to be inconvenient, including before 8:00AM and/or after  
12 9:00PM.

13           31.     Plaintiff received calls from Defendant during times that were known to be  
14 inconvenient, including before 8:00AM and/or after 9:00PM.

15           WHEREFORE, Plaintiff, MICHAEL SCHWARTZ, respectfully pray for a judgment as  
16 follows:

- 17                   a. All actual compensatory damages suffered pursuant to 15 U.S.C. §  
18                   1692k(a)(1);
- 19                   b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to  
20                   15 U.S.C. § 1692k(a)(2)(A);
- 21                   c. All reasonable attorneys' fees, witness fees, court costs and other litigation  
22                   costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- 23                   d. Any other relief deemed appropriate by this Honorable Court.
- 24
- 25

